

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Weel
Serial No. 10/840,108
Attorney Docket No. 1116-064
Filed: 05/05/2004

Examiner: Saket K. Daftuar
Art Unit: 2451

For: **DEVICE DISCOVERY FOR DIGITAL ENTERTAINMENT NETWORK**

Mail Stop Appeal Brief – Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

An **APPEAL BRIEF** is filed herewith. Appellant encloses a payment in the amount of \$540.00 as required by 37 C.F.R. § 41.20(b)(2). If any additional fees are required in association with this appeal brief, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

APPEAL BRIEF

(1) REAL PARTY IN INTEREST

The real party in interest is the assignee of record, i.e., Dryden Enterprises, LLC of 1000 North West Street, Suite 1200, Wilmington, Delaware 19801, which is a Delaware limited liability company.

(2) RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences to the best of Appellant's knowledge.

(3) STATUS OF CLAIMS

Claims 11–18, 31, 32, 34, 35, 37–44, and 50–56 were rejected with the rejection made final on June 16, 2010.

Claims 1-10, 33, 33, and 36 were previously cancelled.

Claims 19–30 and 45–49 were previously withdrawn.

Claims 11–18, 31, 32, 34, 35, 37–44, and 50–56 are pending and are the subject of this appeal.

(4) STATUS OF AMENDMENTS

All amendments have been entered to the best of Appellant's knowledge. According to the Advisory Action mailed August 31, 2010 (hereinafter "Advisory Action"), the amendments filed in Appellant's response to the Final Office Action mailed June 16, 2010 (hereinafter "Final Office Action"), which was submitted on August 16, 2010, were entered. No amendments have been filed after the Advisory Action.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

In the following summary, Appellant has noted where in the Specification certain subject matter exists. Appellant wishes to point out that these citations are for demonstrative purposes only and that the Specification may include additional discussion of the various elements, citations to which are not pointed out below. Thus, the noted citations are in no way intended to limit the scope of the pending claims.

Independent claim 11 recites a method of operating a first device, the method comprising:

- broadcasting a signal from the first device operative to be received by one or more second devices (**see Figure 5, element 51; see also Specification, paragraphs 0109 and 0124**);
- receiving, at the first device, at least one location identifier from the one or more second devices in response to the signal, the location identifier identifying a realm of which the one or more devices is a member (**see Figure 5, elements 52 and 54; see also Specification, paragraphs 0109 and 0124**);
- receiving, at the first device, user input which identifies at least one desired location identifier from the at least one location identifier received from the one or more second devices in response to the signal (**see Figure 5, element 53; see also Specification, paragraphs 0109 and 0124**);
- transmitting from the first device a password associated with the at least one desired location identifier in response to the user input (**see Figure 5, element 51; see also Specification, paragraphs 0109, 0124, and 0130–0131**); and
- in response to transmitting the password associated with the at least one desired location identifier, receiving at the first device at least one device identifier identifying a device that is a

member of the realm identified by the at least one desired location identifier (see **Figure 5, element 54; see also Specification, paragraphs 0109 and 0131**).

Independent claim 31 recites a method of playing media items, the method comprising: moving a first device operative to receive a wireless broadcast of at least one location ID into a range of a network having connected thereto at least one second device operative to wirelessly broadcast the at least one location ID, wherein the at least one location ID identifies a realm of which the at least one second device is a member (see **Figure 5, element 51; see also Specification, paragraphs 0109 and 0124; see also original claim 10**);

receiving on the first device the at least one location ID (see **Figure 5, elements 52 and 54; see also Specification, paragraphs 0109 and 0124**);

receiving, on the first device, user input selecting at least one desired location ID from the at least one location ID received (see **Figure 5, element 53; see also Specification, paragraphs 0109 and 0124**);

transmitting authentication information to the at least one second device for the at least one desired location ID in response to the user input (see **Figure 5, element 51; see also Specification, paragraphs 0109, 0124, and 0130–0131**); and

receiving a list of devices that are members of the realm identified by the at least one desired location ID (see **Figure 5, element 54; see also Specification, paragraphs 0109 and 0131**).

Independent claim 41 recites a method for playing media items, comprising: wirelessly broadcasting, on a first device, a location ID wherein the location ID identifies a realm of which the first device is a member (see **Figure 5, element 51; see also Specification, paragraphs 0109 and 0124; see also original claim 10**);

wirelessly receiving, on a second device, the location ID (see **Figure 5, elements 52 and 54; see also Specification, paragraphs 0109 and 0124**);

entering, on the second device, a password associated with the location ID (see **Figure 5, element 51; see also Specification, paragraphs 0109, 0124, and 0130–0131**);

transmitting the password (see **Figure 5, element 51; see also Specification, paragraphs 0109, 0124, and 0130–0131**); and

effecting the playing of a media item on the first device by the second device (see **Figure 4, element 50**; see also **Specification, paragraphs 0111 and 0124**).

Independent claim 50 recites a method for playing music, the method comprising: moving a first device operative to receive a wireless broadcast of at least one location ID into a range of a network having connected thereto at least one second device operative to wirelessly broadcast the at least one location ID, wherein the at least one location ID identifies a realm of which the at least one second device is a member (see **Figure 5, element 51**; see also **Specification, paragraphs 0109 and 0124**; see also **original claim 10**); receiving, at the first device, a location ID from the at least one second device (see **Figure 5, elements 52 and 54**; see also **Specification, paragraphs 0109 and 0124**); displaying, on the first device, the location ID received from the at least one second device (see **Figure 5, elements 52 and 54**; see also **Specification, paragraphs 0109 and 0124**); receiving, on the first device, user input selecting the location ID (see **Figure 5, element 53**; see also **Specification, paragraphs 0109 and 0124**); entering, on the first device, a password associated with the selected location ID (see **Figure 5, element 51**; see also **Specification, paragraphs 0109, 0124, and 0130–0131**); sending the password (see **Figure 5, element 51**; see also **Specification, paragraphs 0109, 0124, and 0130–0131**); and selecting, on the first device, a song to be played on the at least one second device (see **Figure 4, element 50**; see also **Specification, paragraphs 0111 and 0124**).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 11–18, 31, 32, 34, 35, 37–44, and 50–56 were properly rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,456,234 B1 to Johnson (hereinafter “Johnson”) in view of U.S. Patent No. 6,853,841 B1 to St. Pierre (hereinafter “St. Pierre”).

(7) ARGUMENT

A. Introduction

The Patent Office has not established a *prima facie* case of obviousness of the claimed invention. More specifically, the Patent Office has not shown where the cited references, either

alone or in combination, disclose or suggest all the elements recited in the pending claims. For example, the Patent Office has not shown where the cited references teach or suggest an ability for one device to receive a location identifier from another device that identifies a realm of which the second device is a member. Nor has the Patent Office shown where the cited references teach or suggest the entry and transmission of a password associated with the location identifier, which results in the receipt of a device identifier of a device that is a member of the realm. Instead, and as discussed in greater detail below, the Patent Office has identified a number of unrelated aspects of the system disclosed in Johnson, coupled them together in a manner that is neither taught nor suggested, and would in no way benefit the system disclosed in Johnson, and used this unsupported combination in conjunction with St. Pierre to reject Appellant's independent claims.

As such, Appellant requests that the Board reverse the Examiner and instruct the Examiner to allow the claims.

B. Legal Standards for Establishing Obviousness

Section 103(a) of the Patent Act provides the statutory basis for an obviousness rejection and reads as follows:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Courts have interpreted 35 U.S.C. § 103(a) as a question of law based on underlying facts. As the Federal Circuit stated:

Obviousness is ultimately a determination of law based on underlying determinations of fact. These underlying factual determinations include: (1) the scope and content of the prior art; (2) the level of ordinary skill in the art; (3) the differences between the claimed invention and the prior art; and (4) the extent of any proffered objective indicia of nonobviousness.

Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH, 45 U.S.P.Q.2d (BNA) 1977, 1981 (Fed. Cir. 1998) (internal citations omitted).

Once the scope of the prior art is ascertained, the content of the prior art must be properly combined. Initially, the Patent Office must show that there is a suggestion to combine the references. *In re Dembiczak*, 175 F.3d 994 (Fed. Cir. 1999). Even if the Patent Office is able to articulate and support a suggestion to combine the references, it is impermissible to pick and choose elements from the prior art while using the application as a template. *In re Fine*, 837 F.3d 1071 (Fed. Cir. 1988). To reconstruct the invention by such selective extraction constitutes impermissible hindsight. *In re Gorman*, 933 F.2d 982 (Fed. Cir. 1991). After the combination has been made, for a *prima facie* case of obviousness, the combination must still teach or fairly suggest all of the claim elements. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. (BNA) 580 (CCPA 1974).

Some elements may be inherent within the reference. “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.’” *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999) (quoting *Cont'l Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268 (Fed. Cir. 1991)). “The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *Ibid.* (citation and quotation omitted). Thus, the possibility that an element may be derived from the reference is insufficient to establish that said element is inherent to the reference.

Whether an element is implicitly or explicitly taught by a reference or combination of references is open to interpretation. While the Patent Office is entitled to give claim terms their broadest reasonable interpretation, this interpretation is limited by a number of factors. First, the interpretation must be consistent with the specification. *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000); M.P.E.P. § 2111. Second, the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, (Fed. Cir. 1999); M.P.E.P. § 2111. Finally, the interpretation must be reasonable. *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1369 (Fed. Cir. 2004); M.P.E.P. § 2111.01. This means that the words of the claim must be given their plain meaning unless Appellant has provided a clear definition in the specification. *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989).

If a claim element is missing after the combination is made, then the combination does not render obvious the claimed invention, and the claims are allowable. As stated by the Federal

Circuit, “[if] the PTO fails to meet this burden, then the applicant is entitled to the patent.” *In re Glaug*, 283 F.3d 1335, 1338 (Fed. Cir. 2002).

C. Claims 11–18, 31, 32, 34, 35, 37–44, and 50–56 Are Patentable Over Johnson In View Of St. Pierre

Claims 11–18, 31, 32, 34, 35, 37–44, and 50–56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of St. Pierre. Appellant respectfully traverses. When determining whether a claim is obvious, an Examiner must make “a searching comparison of the claimed invention—*including all its limitations*—with the teaching of the prior art.” *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, “obviousness requires a suggestion of all limitations in a claim.” *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (*citing In re Royka*, 490 F.2d 981, 985 (CCPA 1974)). Moreover, as the Supreme Court recently stated, “*there must be some articulated reasoning* with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418, 82 U.S.P.Q.2d (BNA) 1385, 1396 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)).

Preliminarily, Appellants note that the statement of rejection on page 6 of the Final Office Action inadvertently includes claim 36, which was previously cancelled. Moreover, Appellants note that Appellants previously inadvertently added two claims numbered 33 during prosecution, and thus note that both such claims have been previously cancelled.

Appellant’s claims relate to wireless discovery of devices. Generally, one device (sometimes referred to as a first device) receives a location identifier which identifies a realm of which another device (sometimes referred to as a second device) is a member. A “realm” as discussed in the subject application may comprise, for example, a logical location within a physical location, such as a coffee shop, or a local area network within the physical location (see, e.g., subject application, paragraph 0139). The user of the first device enters a password associated with the realm, transmits the password to the network, and receives in response a device identifier identifying the second device.

Claims 11 and 31

Johnson discloses transmission of situational location dependent information from a server to a device (Johnson, Abstract). St. Pierre discloses a protocol which allows a remote control device to dynamically learn the command codes of a newly network attached device (St. Pierre, Abstract).

Appellant's claim 11 recites

broadcasting a signal from the first device operative to be received by one or more second devices;

receiving, at the first device, at least one location identifier from the one or more second devices in response to the signal, the location identifier identifying a realm of which the one or more devices is a member....

Thus, Appellant's claim 11 requires 1) the broadcast of a signal, and 2) a location identifier identifying a realm of which a responding device is a member.

The Patent Office states: "Johnson is silent about identifying a local realm of which the receiving or transmitting device is a member" (Final Office Action, page 5). Appellant agrees with this statement. The Patent Office asserts, however, that St. Pierre discloses "identifying a local realm" (*Id.*). Appellant notes that claim 11 does not simply recite "identifying a local realm"; claim 11 recites receiving a location identifier identifying a local realm in response to a broadcasted signal. Neither Johnson nor St. Pierre discloses this feature. Notably, St. Pierre discloses that a first device connected to a network can dynamically discover the command codes of a second device attached to the network. Both the first device and the second device are attached to the same network (see, e.g., Figure 1 of St. Pierre). Thus, there is no need for the second device to identify a realm (such as a local area network) to the first device, because the first device and the second device are already on the same network. The Patent Office refers to column 4, line 25–column 5, line 32, and column 8, line 55–column 10, line 50, as support for its assertion that St. Pierre discloses this feature (Final Office Action, page 5). Appellant notes that column 4, lines 60–65 of St. Pierre appears to disclose what a newly attached device may provide to the first device, at least in one embodiment. The three articulated items of information appear to be 1) the name of the device, 2) the device's attributes, and 3) a uniform resource locator (URL) address giving the device's location on the network. None of these three items identifies a realm (e.g., a logical location or local area network) of which the newly

attached device is a member, because there is no need to: both devices are attached to the same network.

Despite its concession that Johnson fails to disclose a local realm, the Patent Office asserts that Johnson discloses:

receiving, at the first device, at least one desired location identifier from the at least one location identifier received from the one or more second devices in response to the signal (see figure 5A-5B, see column 12, lines 12-41, the cell controllers selects the strongest signal and extract unique identifier from the return signal).... (Final Office Action, page 4)

Appellant submits that the referenced portions of Johnson (i.e., Figures 5A and 5B and column 12, lines 12-41) relate to the manner in which a cell controller identifies a location of a particular receiving data processing system (RDPS), not to the receipt of a location identifier that identifies a realm of which the RDPS is a member. In particular, the cell controller may drive a plurality of antenna stations, each of which emits a broadcast signal (Johnson, column 12, lines 12-41). Upon receipt of a signal from a single RDPS, the cell controller will select the three antenna stations that received the strongest signal from the RDPS (*Id.*). The cell controller then uses triangulation techniques to determine the location of the RDPS (*Id.*). First, Appellant notes that nowhere does Johnson disclose that the cell controller is selecting a local realm, as recited in Appellant's claim 11. Rather, Johnson is directed at determining the location of an RDPS using triangulation techniques. In contrast, Appellant's claims are directed at communicating with a previously unknown device by receiving a location identifier identifying a realm of which the unknown device is a member. Appellant submits that the two goals (and solutions) are unrelated to one another. Second, claim 11 recites that the selection of the local realm is based on user input. Nowhere does Johnson teach or suggest that a user enters input to select a particular cell antenna over other cell antennas, or a particular RDPS over other RDPSs.

Appellant's claim 11 further recites:

receiving, at the first device, user input which identifies at least one desired location identifier from the at least one location identifier received from the one or more second devices in response to the signal;
transmitting from the first device a password associated with the at least one desired location identifier in response to the user input.

The Patent Office addresses this limitation at page 4 of the Final Office Action and asserts:

transmitting from the first device a password [administrator's authorization ID, whereas authorization ID for example could be a password for user identifier (see column 14, line 18-32), searched in deliverable content database records against the authorization ID field discloses that each content is transmitted to database with administrator or controller authorization ID] associated with one desired location identifier (see figure 14, column 22, line 30 – column 23, line 17) in response to the user input....

The referenced portions of Johnson (i.e., column 14, lines 18–32; Figure 14; and column 22, line 30–column 23, line 17) appear to relate to database configuration of the system in Johnson, and to communication between two devices. Neither the cited portions, nor indeed any portion of Johnson, teach or suggest the user selection of a location identifier, or the entry of a password associated with the location identifier which results in the receipt of a device identifier. Column 14, lines 18-32 of Johnson discloses: “Authorization id field 720 contains a handle to the user who configured the database record 700, for example, a password, user identifier, or the like (may be encrypted)” (Johnson, column 14, lines 18–20). In the context of this passage, Johnson is simply disclosing that a password may be used to update a configuration record in a database. While Appellant acknowledges the use of the word “password” in the referenced text, Appellant is not simply claiming a password. Appellant is claiming the use of a password that is associated with a realm (which the Patent Office concedes Johnson fails to disclose) in order to receive a device identifier of a device which is a member of the realm. Thus, Appellant’s claim 11 requires that a password be received via user input at the same device (e.g., the first device) that broadcast the signal. Nowhere does Johnson teach or suggest that a user can enter a password at one of the cell controllers (which the Patent Office appears to analogize to Appellant’s broadcast signal), nor does Johnson suggest that a list of device identifiers would be provided in response to entry of such a password, as recited in Appellant’s claim 11.

Finally, claim 11 recites: “*in response to transmitting the password associated with the at least one desired location identifier, receiving at the first device at least one device identifier identifying a device that is a member of the realm identified by the at least one desired location identifier.*”

In its discussion of this limitation, the Patent Office again refers to portions of Johnson (i.e., column 14, lines 18–32; Figure 14; and column 22, line 30–column 23, line 17) that relate to the configuration of a database (Final Office Action, page 5). Nowhere do the cited portions,

or indeed any portion of Johnson, teach or suggest that a first device, by transmitting a password associated with a location identifier, will receive a device identifier associated with the location identifier.

Respectfully, the Patent Office appears to be combining unrelated aspects of Johnson, such as aspects relating to the communication between a cell controller and an RDPS, with aspects relating to database configuration, to create a system involving the entry of a password during the communications between the cell controller and the RDPS. However, Johnson fails to teach or suggest such a system. For at least this reason, claim 11 is allowable over the cited references. Moreover, the Patent Office's combination of this undisclosed system with St. Pierre, even if appropriate, fails to render obvious Appellant's claim 11 for at least the reason that neither Johnson nor St. Pierre teaches or suggests receiving a location identifier that identifies a realm, receiving user input selecting the location identifier, transmitting a password associated with the location identifier, and receiving a device identifier in response.

However, despite the fact that the combination of such references fails to render obvious claim 11, Appellant notes that there is no suggestion or teaching in Johnson or St. Pierre that would motivate one skilled in the art to combine such references. The Patent Office's reasoning for the combination of the references is that such combination would provide:

an efficient mechanism that provides broadcasting transmission of signal information from a server data processing system to a receiving data processing system whereas the server data processing system correctly identifies the device in a network and efficiently communicates with the receiving data processing system by pushing proactive delivery content that recognizes and identifies the requesting device. (Final Office Action, page 5)

However, Appellant submits that Johnson alone discloses such features, none of which render Appellant's claim 11 obvious. Moreover, nothing in Johnson suggests that one device, such as the cell controller, lacks knowledge about communicating with the RDPSs, and thus the teachings of St. Pierre regarding dynamically learning command codes of a network attached device are unnecessary. Thus, there would be no benefit to Johnson in combining its teachings with those of St. Pierre. For the foregoing reasons, Appellant submits that claim 11 is allowable. Claim 31 contains features substantially similar to those recited herein with respect to claim 11 and should therefore be allowable for at least the same reasons.

Claim 41

Independent claim 41 recites features substantially similar to those recited herein with respect to claim 11, and should therefore be allowable over the cited references for at least the same reasons. In addition, claim 41 recites “*effecting the playing of a media item on the first device by the second device.*” The Patent Office refers to Johnson at column 6, line 55–column 8, line 65; Figures 5A-5B; column 12, lines 12–41; Figure 14; column 22, line 30–column 23, line 17; and column 13, lines 55–61 as disclosing this feature (Final Office Action, page 11). Appellant submits that none of the referenced portions of Johnson (or indeed any portion of Johnson) teaches or suggests one device effecting the playing of a media item on a second device. For the foregoing reasons, Appellant submits that claim 41 is allowable.

Claim 50

Independent claim 50 recites features substantially similar to those recited herein with respect to claim 41, and should therefore be allowable over the cited references for at least the same reasons. In addition, claim 50 recites “*displaying, on the first device, the location ID received from the at least one second device.*” The Patent Office did not address this limitation specifically (Final Office Action, page 12). Appellant submits that none of the referenced portions of Johnson (or indeed any portion of Johnson) teaches or suggests the display on a first device of a location ID received from a second device. For the foregoing reasons, Appellant submits that claim 50 is allowable.

Claims 12–18 and 56 depend directly or indirectly from claim 11, and should therefore be allowable as depending from an allowable independent claim. Claims 32, 34, 35, 37–40, 54, and 55 depend directly or indirectly from claim 31, and should therefore be allowable as depending from an allowable independent claim. Claim 36 has been cancelled. Claims 42–44 depend directly or indirectly from claim 41, and should therefore be allowable as depending from an allowable independent claim. Claims 51–53 depend directly or indirectly from claim 50, and should therefore be allowable as depending from an allowable independent claim.

D. Conclusion

For the reasons set forth above, the cited references do not disclose or suggest many of the features recited in Appellant's claims. As such, Appellant requests that the Board reverse the Examiner and instruct the Examiner to allow the claims.

Respectfully submitted,

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(8) CLAIMS APPENDIX

1-10. (Cancelled).

11. A method of operating a first device, the method comprising:

 broadcasting a signal from the first device operative to be received by one or more second devices;

 receiving, at the first device, at least one location identifier from the one or more second devices in response to the signal, the location identifier identifying a realm of which the one or more devices is a member;

 receiving, at the first device, user input which identifies at least one desired location identifier from the at least one location identifier received from the one or more second devices in response to the signal;

 transmitting from the first device a password associated with the at least one desired location identifier in response to the user input; and

 in response to transmitting the password associated with the at least one desired location identifier, receiving at the first device at least one device identifier identifying a device that is a member of the realm identified by the at least one desired location identifier.

12. The method of claim 11, wherein receiving at the first device the at least one device identifier identifying the device that is a member of the realm identified by the at least one desired location identifier further comprises receiving a plurality of device identifiers, wherein each of the plurality of device identifiers identifies devices that are members of the realm identified by the at least one desired location identifier.

13. The method of claim 11, further comprising selecting, at the first device, the at least one device identifier identifying the device associated with the at least one desired location identifier, and controlling the device associated with the at least one desired location identifier.

14. The method of claim 13, wherein the device associated with the at least one desired location identifier comprises a second device from the one or more second devices.

15. The method of claim 13, wherein controlling the device associated with the at least one desired location identifier comprises causing the device associated with the at least one desired location identifier to render at least a portion of a media item.

16. The method of claim 13, wherein controlling the device associated with the at least one desired location identifier further comprises transferring a media item from the device associated with the at least one desired location identifier to the first device.

17. The method of claim 11, wherein the one or more second devices is a plurality of second devices, and broadcasting the signal comprises broadcasting the signal from the first device operative to be received by the plurality of second devices, wherein each of the plurality of second devices is operatively connected to a same local area network.

18. The method of claim 11, wherein the one or more second devices is a plurality of second devices, and broadcasting the signal comprises broadcasting the signal from the first device operative to be received by the plurality of second devices, wherein each of the plurality of second devices is operatively coupled to a network selected from a group consisting of a local area network, a wide area network, a remote local area network, a wireless network, a cellular phone network, and the Internet.

19. (Withdrawn) A method of playing media items, the method comprising:
 providing a plurality of devices on a local area network, the local area network being capable of wireless communication;
 bringing a new device into a range of the local area network; and
 receiving, by the new device, a list of devices from a server operatively connected to the local area network.

20. (Withdrawn) The method of claim 19, further comprising transmitting a location ID and a password from the new device, wherein the location ID identifies a realm, and the password authenticates the new device to the realm.

21. (Withdrawn) The method of claim 19, further comprising transmitting a password from the new device, wherein the password is associated with a location.

22. (Withdrawn) The method of claim 19, wherein each device in the list of devices is associated with a realm.

23. (Withdrawn) The method of claim 22, further comprising:
selecting a device from the list of devices; and
controlling the selected device from the new device.

24. (Withdrawn) The method of claim 23, wherein the controlling the selected device further comprises causing the selected device to render at least a portion of a media item.

25. (Withdrawn) The method of claim 23, wherein the controlling the selected device further comprises downloading a media item from the selected device to the new device.

26. (Withdrawn) The method of claim 19, wherein each device in the list of devices is operatively connected to the local area network.

27. (Withdrawn) The method of claim 19, wherein the new device comprises at least one of a PDA, a palmtop computer, a laptop computer, and a cellular telephone.

28. (Withdrawn) The method of claim 19, wherein a wide area network facilitates communication of the list of devices to the new device.

29. (Withdrawn) The method of claim 28, wherein the wide area network comprises the Internet.

30. (Withdrawn) The method of claim 19, wherein the list of devices further comprises an indication of whether each device in the list of devices is a local device or a remote device.

31. A method of playing media items, the method comprising:
 - moving a first device operative to receive a wireless broadcast of at least one location ID into a range of a network having connected thereto at least one second device operative to wirelessly broadcast the at least one location ID, wherein the at least one location ID identifies a realm of which the at least one second device is a member;
 - receiving on the first device the at least one location ID;
 - receiving, on the first device, user input selecting at least one desired location ID from the at least one location ID received;
 - transmitting authentication information to the at least one second device for the at least one desired location ID in response to the user input; and
 - receiving a list of devices that are members of the realm identified by the at least one desired location ID.

32. The method of claim 31, wherein transmitting the authentication information further comprises transmitting one of a user name, a user identifier, a location identifier, and a password.

33. (Cancelled).

33. (Cancelled).

34. The method of claim 31, wherein receiving on the first device the at least one location ID further comprises receiving a plurality of location IDs, and wherein selecting the at least one location ID further comprises selecting one of the plurality of location IDs.

35. The method of claim 31, wherein receiving the list of devices associated with the at least one location ID comprises receiving the list of devices associated with the at least one location ID from the at least one second device.

36. (Cancelled).

37. The method of claim 31, further comprising selecting a device from the list of devices associated with the at least one location ID, and controlling the selected device.

38. The method of claim 37, wherein controlling the selected device further comprises causing the selected device to render at least a portion of a media item.

39. The method of claim 37, wherein controlling the selected device further comprises downloading a media item from the selected device.

40. The method of claim 31, wherein the first device comprises at least one of a PDA, a palmtop computer, a laptop computer, and a cellular telephone.

41. A method for playing media items, comprising:
wirelessly broadcasting, on a first device, a location ID wherein the location ID identifies a realm of which the first device is a member;
wirelessly receiving, on a second device, the location ID;
entering, on the second device, a password associated with the location ID;
transmitting the password; and
effecting the playing of a media item on the first device by the second device.

42. The method of claim 41, wherein effecting the playing of the media item further comprises communicating with the second device over a local area network to which the second device is connected.

43. The method of claim 41, wherein effecting the playing of the media item further comprises communicating with the second device over a wide area network to which the second device is connected.

44. The method of claim 43, wherein the wide area network comprises the Internet.

45. (Withdrawn) A mobile device for effecting the playing of a media item, comprising:

a display;
a wireless interface operative to communicate over a local area network;
a discovery module operative to receive information regarding at least one other device via the wireless interface, the display operative to convey a representation of the at least one other device; and
a selector operative to select the representation of the at least one other device;
wherein the mobile device is operative to control at least one function of the at least one other device.

46. (Withdrawn) The mobile device of claim 45, wherein the mobile device is operative to control the function of the at least one other device via a communication path that includes, at least in part, a wide area network.

47. (Withdrawn) The mobile device of claim 46, wherein the wide area network comprises the Internet.

48. (Withdrawn) The mobile device of claim 45, wherein the information regarding the at least one other device travels over a communications path that includes a wide area network.

49. (Withdrawn) The mobile device of claim 45, wherein the discovery module is further operative to receive a list of device IDs, and the selector is further operative to select one device ID from the list of device IDs.

50. A method for playing music, the method comprising:
moving a first device operative to receive a wireless broadcast of at least one location ID into a range of a network having connected thereto at least one second device operative to wirelessly broadcast the at least one location ID, wherein the at least one location ID identifies a realm of which the at least one second device is a member;
receiving, at the first device, a location ID from the at least one second device;
displaying, on the first device, the location ID received from the at least one second device;

receiving, on the first device, user input selecting the location ID;
entering, on the first device, a password associated with the selected location ID;
sending the password; and
selecting, on the first device, a song to be played on the at least one second device.

51. The method of claim 50, further comprising:
the at least one second device broadcasting a plurality of location IDs;
receiving at the first device the plurality of location IDs from the at least one second device;
displaying, on the first device, the plurality of location IDs; and
selecting, on the first device, one of the plurality of location IDs.
52. The method of claim 50, further comprising:
receiving, on the at least one second device, the password entered into the first device;
authenticating the password; and
sending to the first device, in response to a successful authentication, a list of device IDs of devices on the network.
53. The method of claim 52, further comprising:
receiving, on the first device, the list of device IDs sent by the at least one second device;
displaying on the first device the list of device IDs; and
selecting a device ID from the list of device IDs.
54. The method of claim 31, wherein the list of devices is transmitted from a server operatively connected to the network through a wide area network.
55. The method of claim 31, further comprising transmitting the list of devices from a server operatively connected to the network through a wide area network.
56. The method of claim 11, wherein the realm is a wireless local area network.

(9) EVIDENCE APPENDIX

Appellant relies on no evidence, thus this appendix is not applicable.

(10) RELATED PROCEEDINGS APPENDIX

As there are no related proceedings, this appendix is not applicable.